

JOHN C. CRUDEN
Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

JOHN S. MOST
Trial Attorney
Natural Resources Section
P.O. Box 7611 Washington, DC 20044
202-616-3353, Fax 202-305-0506

Counsel for Federal Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

WILDEARTH GUARDIANS, Plaintiff,)	CV 14-13-BLG-SPW
)	
)	
v.)	
)	
U.S. OFFICE OF SURFACE MINING, RECLAMATION AND ENFORCEMENT <i>et al.</i> , Federal Defendants,)	FEDERAL DEFENDANTS' STATUS REPORT ON REMEDY COMPLIANCE
)	
and)	
)	
STATE OF MONTANA, SPRING CREEK LLC, NATIONAL MINING ASSOCIATION, Defendant-Intervenors.)	
)	
)	
NORTHERN PLAINS RESOURCE COUNCIL INC. <i>et al.</i> Plaintiffs,)	CV 14-103-BLG-SPW
)	

v.)
JEWELL *et al.*,)
Federal Defendants,)
and)
STATE OF MONTANA *et al.*,)
Defendant-Intervenors.)
_____)

On January 21, 2016, the Court issued an Opinion and Order adopting the findings and recommendations of the Magistrate Judge, with the exception of the recommended remedy, which the Court modified. Doc. 135 at 8-9 (“Opinion and Order”). In particular, the Court ordered that vacatur of the challenged mining plan decision be deferred for a period of 240 days while Federal Defendants prepare an “updated environmental assessment” (hereafter, “EA”), *id.* at 9, under the National Environmental Policy Act (“NEPA”). The Court also ordered Federal Defendants to file monthly status reports on progress, by the last business day of each month during the 240-day period.

Accordingly, the undersigned files this status report to advise, based on the agency’s representations, that the agency has completed the required NEPA process and is on schedule to approve a new mining plan modification by the

October 3, 2016 deadline. The decision package is now before the Assistant Secretary.

Respectfully submitted this 30th day of September, 2016.

JOHN C. CRUDEN
Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

/s/ John S. Most
JOHN S. MOST, Trial Attorney
Natural Resources Section
P.O. Box 7611, Washington, D.C. 20044
202-616-3353 (voice), 202-305-0506 (fax)
john.most@usdoj.gov

Counsel for Federal Defendants

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being filed with the Clerk of the Court using the CM/ECF system, thereby serving it on all parties of record, this 30th day of September, 2016.

/s/ John S. Most
JOHN S. MOST
Counsel for Federal Defendants